vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.4037 OF 2005
IN
SUIT NO.3446 OF 2005

Shri Rajay Parab ... Plaintiff

V/s.

GMAC Financial Service
India Limited ... Defendant

Mr.A.R. Mishra for Plaintiff
Mr.P.M. Shah for Defendant

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **APRIL 10, 2006**

P.C.:

. The Plaintiff has already deposited an amount of Rs.2,20,000/- in this Court. The Plaintiff therefore, seeks an order directing the defendant to release the vehicle bearing RTO registration NO.MH-06-W-756.

2. According to the defendant, the amounts receivable by the defendant from the Plaintiff are mentioned in Exhibit B to the plaint and, therefore, the amount of Rs.364,921/- is actually outstanding. This amount includes various heads like premature termination charges, delayed payment charges, interest on termination, etc. The outstanding EMI/Overdue amount of Rs.52,200/- and the principal outstanding as on the termination is Rs.166,530/-.

3. The amount of Rs.2,20,000/- which is deposited in this Court may be withdrawn by the defendants and adjusted towards payment of outstanding EMI and overdue amount on the principal outstanding as on termination date i.e., Rs.52,200/- and Rs.166,530/-. The Defendants shall release the vehicle within a week from today, after giving the plaintiff inspection of the same. The other amounts mentioned in Exhibit B can be claimed by the Defendants by taking appropriate measures.

4. Motion is disposed of accordingly.

5. Parties to act on an authenticated copy of the order.